



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

Marilyn L. Amick
ROCHE DIAGNOSTICS OPERATIONS INC
9115 Hague Road Bldg. D
Indianapolis, IN 46250

COPY MAILED

JUL 12 2004

OFFICE OF PETITIONS

In re Application of :
Kitas et al. :
Application No. 09/647,586 :
Filed: December 22, 2000 : ON PETITION
Title of Invention: :
NEW COMPOUNDS FOR DNA :
TRANSFECTION :

This is a decision in response to the Petition under 37 CFR 1.137(b), filed February 8, 2004, to revive the above-identified application.

This Petition is hereby dismissed.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence or Amino Acid Sequence Disclosures (hereinafter "Notice"), mailed July 2, 2003. The Notice set a three (3) month period for reply from the mail date of the Notice, and also provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned October 3, 2003. A Notice of Abandonment was mailed February 2, 2004.

Applicant files the instant petition and Amendment with a substitute Sequence Listing in paper and Computer Readable Format

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed); (2) the petition fee required by 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) if required, a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). Applicant lacks item (1).

As to item (1), Applicant has not submitted a reply to the July 2, 2003 Notice. The reply filed with the instant petition failed to comply with the Notice.

Applicant was so notified in an Office Communication mailed March 3, 2004.

Applicant files a three (3) month extension-of-time request with the instant petition; however, the maximum extendable period available to respond the Notice under 37 CFR 1.136 is three (3) months, or until January 2, 2004. After January 2, 2004, no extensions-of-time were available and the application became abandoned on October 3, 2003, the day after the shortened statutory reply period expired. Thereafter, a petition to revive the application is the appropriate course of action.

A refund of the extension of time fee has been credited to deposit account 50-0877 as authorized in the instant petition.

The mailing of this Decision precedes the mailing of a Notice of Abandonment.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (703) 872-9306
 Attn: Office of Petitions

By hand: 2201 South Clark Place
 Customer Window
 Crystal Plaza Two, Lobby Room 1B03
 Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to the undersigned at 703-305-0014.


Derek L. Woods
Petitions Attorney
Office of Petitions